

FILED  
GARY L. HARRISON  
IN PIMA COUNTY SUPERIOR COURT, SUPERIOR COURT

2019 JAN -7 AM 9:18

AFFIDAVIT FOR SEARCH WARRANT

**19SW0036** D. WANDELL, DEPUTY

YOUR AFFIANT, **Special Agent Cullen Conerly**, A PEACE OFFICER IN THE STATE OF ARIZONA AND EMPLOYED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, BEING FIRST DULY SWORN, UPON OATH, DESPOSES AND SAYS:

From or about the 4th day of July 2018 to August 18, 2018 a public offense in violation of Arizona

Revised Statutes:

- A.R.S. 13-1003, Conspiracy, a Class 2 Felony,
- A.R.S. 13-2312, Illegally Conducting an Enterprise, a Class 3 Felony,
- A.R.S. 13-3102 (A)(4), Misconduct Involving Weapons, a Class 4 Felony,
- A.R.S. 13-3405 (A)(4), Transport For Sale, Import Into This State or Offer To Transport For Sale or Import Into This State, Sell, Transfer, or Offer To Sell Or Transfer Marijuana, a Class 2 Felony,
- A.R.S. 13-3407(A)(7), Transport For Sale, Import Into This State or Offer To Transport For Sale or Import Into This State, Sell, Transfer, or Offer To Sell Or Transfer A Dangerous Drug, a Class 2 Felony(Two Counts),

was or is being committed in the County of Cochise, State of Arizona.

YOUR AFFIANT (has probable cause to believe) that:

{X} on the person(s) of:

- Jesus Ernesto LORETO JR., DOB 02/17/1975, 5'8", 220 pounds, Brown hair, Brown eyes, SSN [REDACTED]-6713

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{X} in and upon the premises (including all buildings, structures, rooms, equipment, and vehicles used in connection or located within the curtilage of said premises) known and described as:

- 1919 South Barnett Road, Bisbee, Arizona 85603 is a beige colored single story residence, which is accessed by using a long dirt driveway positioned between two different properties located at 1909 South Barnett Road and 1925 South Barnett Road. There are two different signs placed on the North side of the entrance before entering the property, which read "Keep out" and "No Trespassing". The front door of the residence faces West and there several different vehicles located throughout the property of the residence. There are also three smaller man made structures located on the northwest and northeast parts of the property. **\*SEE ATTACHMENT B\***

{ } in vehicle(s) described as:

there is certain person (s), property or things

{X} is the subject of an outstanding arrest warrant and/or is wanted for the above mentioned charges

{ } Which are stolen or embezzled

{X} Which were used as means for committing a public offense

{X} Which are being possessed with intent to use as a means of committing a public offense

{ } Which are in the possession of to whom it was delivered for the purpose of concealing it or preventing it from being discovered

{X} which consists of any item or constitutes any evidence which tends to show that a public offense has been committed such as being more fully described in the affidavit.

That said property or things are described as follows:

**"SEE ATTACHMENT A"**

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That the following facts establish probable cause for believing that grounds for the issuance of a search warrant for the aforementioned items/persons exists:

Since January, 2018, Special Agents from the Drug Enforcement Administration (DEA) Sierra Vista Resident Office (SVRO) have been working a joint investigation with the Cochise County Sheriff's Office (CCSO) and the Arizona Department of Public Safety (DPS) into the Timothy Francis HENRY Transnational Criminal Organization (TCO). On July 2, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the interception of wire communications to and from phone number (520) 220-9360 (Target Telephone One or TT-1) used by HENRY.

On July 4, 2018, agents from the SVRO intercepted communications via Court Order number 18WT0001 between TT-1 and 520-300-7910, utilized by an individual identified as Jesus Ernesto LORETO JR and (520) 526-4038, utilized by Timothy EVICCI. The communications were in reference to a three way trade deal taking place between HENRY, LORETO JR., and EVICCI. On the same date, reference call session 328, HENRY sent EVICCI a text message which read, "He suppose to bring me two guns but he aint did it yet." On the same date, reference call session 334, EVICCI sent HENRY a text message which read, "Think he will and if so maybe when would help. U know what I'm saying I don't doubt you at all." On the same date, reference call session 336, HENRY sent EVICCI a text message which read, "'I know he's got me he's got me pissed off down there cuz he's been bullshittin on getting up there but he's got a lot of crap he can't leave his house cuz you don't want to leave his house open but I'll go down there and get them later tonight maybe.'" On the same date, reference call session 383, LORETO JR. sent HENRY a text message which read, "I'm stuck got the gun need to come for it so i guess he got a grip of free be shrooms fuck it on me cuz greedy is not in my vocabulary." Your Affiant believes that HENRY was telling EVICCI that LORETO JR. was unable to leave his house if nobody was there to secure it because he keeps large amounts of contraband at his house and did not want to get robbed. Your Affiant believes that LORETO JR. was telling HENRY that he was stuck at his house but had the firearm and intended to bring it to HENRY to give to EVICCI.

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On the same date, reference call session 397, LORETO JR. sent HENRY a text message which read, "Hey bro i got the guns just stuck at home come by ain't no one here just me." On the same date, reference call session 399, LORETO JR. sent HENRY a text message which read, "Ain't trying to pull shady shit i got the guns never made it to get the truck. Gave up shrooms and diff tho an got the gun." On the same date, reference call session 425, LORETO JR. sent HENRY a text message which read, "Got the straps. But I'm stuck here at my shop no one here." On the same date, reference call session 457, HENRY placed an outgoing call to LORETO JR. The call was not answered and went to voicemail. The beginning of the voicemail identification for (520) 300-7910 included a male voice heard saying, "It's LORETO" followed by instructions to leave a message. HENRY did not leave a voice message for LORETO JR. On the same date, reference call session 462, LORETO JR. sent HENRY a text message which read, "Allot of popo out." Your Affiant believes this message emphasizes LORETO JR.'s awareness of law enforcement presence while conducting illegal activities.

On July 5, 2018, reference call session 551, LORETO JR. sent HENRY a text message which read, "Give him this gun i got two of the a bad ass 38 special full size cop gun." Included with the text message was a photograph of a large revolver handgun. Based on the series of text messages between LORETO JR. and HENRY, agents believe that LORETO JR. was attempting to finalize a trade deal between HENRY, LORETO JR., and Timothy EVICCI. LORETO JR. offered the handgun to HENRY to provide to EVICCI. LORETO JR., HENRY, and EVICCI are all convicted felons and prohibited to possess a firearm. On the same date, reference call session 558, LORETO JR. sent HENRY a text message which read, "I can get up there in Abit let me wakeup i got this 38 special." Agents believe that LORETO JR. was offering to bring the previously referenced revolver to HENRY once LORETO JR. was fully awake and ready to come over. On the same date, reference call session 564, HENRY sent LORETO JR. a text message which read, "You can bring me some more parts to if you want." Your Affiant is aware from the course of the investigation and through intercepted wire communications that members of the HENRY TCO commonly use the term, "car parts" when referring to illegal drugs. Many members of the HENRY TCO are car enthusiasts and often have legitimate detailed conversations about the vehicles they have been working on. However,

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your Affiant believes that the lack of specificity regarding which, "part" HENRY wanted LORETO JR. to bring combined with their ongoing conversation from July 4, 2018 through July 5, 2018 having no other context regarding any, "parts" indicates that HENRY wanted LORETO JR. to bring him drugs.

On the same date, reference call session 575, LORETO JR. sent HENRY a text message which read, "I will go up ND see you don't give that dude any paper i got tons of guns i want to go buy me a bike i will take parts and gun give me a few to wake up and both my boys got hammetd and all my brothers here drunk need to put my shit up and ho see you got a lot of parts." Your Affiant believes that LORETO JR. was telling HENRY not to pay EVICCI as part of their trade deal because LORETO JR. had lots of guns he could give to HENRY to trade. Agents also believe that LORETO JR.'s family members had been drinking the night before due to the 4th of July Holiday and that LORETO JR. was stocked with lots of drugs at the time. On the same date, reference call session 618, LORETO JR. sent HENRY a text message which read, "1my cuzin text me this morning said he jacked mex for another ,5 he wants me to give him 1500 for them." Your Affiant believes that LORETO JR. was stating that his cousin works as part of a, "rip crew" stealing drugs from other known drug traffickers, specifically those crossing into the United States illegally. Based on an asking price of, "1500" for, "5" your Affiant believes that LORETO JR.'s cousin stole five pounds of marijuana and offered them to LORETO JR. for \$300. \$300 per pound for marijuana is consistent with wholesale marijuana prices in Cochise County, Arizona. On the same date, reference call session 624, LORETO JR. sent HENRY a text message which read, "I been buying it all up bro they jackers i got a grip. Not letting it loose been stockpiling bro itlget better on prs then i gunna milk it but the coming in a few with another 5." Your Affiant believes that LORETO JR. is telling HENRY that his cousins are members of a rip crew and that he has been buying as much marijuana as possible from his cousins and saving the marijuana for sale at a later date when the price gets better.

On July 10, 2018, reference call session 1806, LORETO JR. sent HENRY a text message which read, "Hey bro just got done when i got home guess.Who was broke down in my yard..... the hill billies other daughter her fucking bearings went out on the path finder ugghhhh so i just got done with that and got

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her gone i have 2.5 of the blue and i got 3.25 of this root beer looking one what u want me to do and are you gonna cash me out or drag my ass out for 2 months i can probably get back up Tonite if not i can be there breakfast." In this text message you Affiant believe that LORETO JR. was offering HENRY methamphetamine and heroin for sale. On the same date, reference call session 1810, HENRY sent LORETO JR. a text message which read, "I don't have all the cash I have some but if you want I will take one brown and one blue."

On the same date, reference call session 1821, LORETO JR. sent HENRY a text message which read, "What you mean i never bitch or complain i just do i came out a grip of money outta pocket. So i just needed help but instead you make me wait i don't care how long it takes i needed the help then bro, and i gave it to you a lot cheaper than even that biker i always do you right no matter what if i owe you never complain about prs or anything i just do it only thing i bitch about is you never trust me with more than 4 zips but fuck it i take what i can get and don't bitch." On the same date, reference call session 1826, LORETO JR. sent HENRY a text message which read, "I got those outta storage 2.5 of the blue the other till tomorrow. If you want one of each you'll have to wait till you get back. My cuzin is up there i gotta to ho meet him anyway i will take you one. Tonite and you can get the other one tarrow what you gonna give me for the wait and because you treat me like you should be treating that biker for burning me." On the same date, reference call session 1835, LORETO JR. sent HENRY a text message which read, "If you go to Tucson the biker charges you 35 and you have to pay cod. So what is the big deal asked you for." On the same date, reference call session 1846, LORETO JR. sent HENRY a text message which read, "Bluefuel pretty good huh sweet taste you better open fucker cuz if i have to bring it back I'm taking a full five gallon of trick fuel and I'm torching some cars." On the same date, reference call session 1855, HENRY sent an outgoing text to LORETO JR. which read, "The biker gives them to me for \$3,000." On the same date, reference call session 1859, LORETO JR. sent HENRY a text message which read, "So you want pay that at your door."

Your Affiant believes that the series of text messages between LORETO JR. and HENRY on July 10, 2018, indicate that LORETO JR. is a source of supply (SOS) for methamphetamine and heroin for

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HENRY. Reference call session 1806, your Affiant believes that LORETO JR. was informing HENRY that he had two and a half pounds of methamphetamine for sale and three and a quarter pound of brown heroin for sale. LORETO JR. offered to sell them to HENRY, but asked HENRY if he was going to pay for them immediately or if he needed time to pay it off. Reference call session 1810, HENRY replied that he did not have all the cash but he would take, "one brown and one blue." Your Affiant is aware from Special Agent (SA) William Cordero's undercover interactions with HENRY that HENRY refers to black tar heroin as, "brown." Reference call session 1821, your Affiant believe that LORETO JR. was telling HENRY that he offers HENRY product for better prices than, "biker," whom your Affiant believes is HENRY's Tucson SOS, Daniel HUNTER. Your Affiant further believe that LORETO JR. was referring to the, "2.5" and, "3.25" amounts as pounds because LORETO JR. later complained to HENRY in call session 1821 that it was not fair that he was offering to sell these amounts to HENRY even though HENRY never trusted LORETO JR. with more than, "4 zips." Your Affiant is aware from his training and experience that a, "zip" is common slang for an ounce. Reference call session 1835, LORETO JR. continues his sales pitch to HENRY by stating the biker in Tucson (HUNTER) charges him \$3,500 per pound and that he has to pay cash on delivery. Reference call session 1855, HENRY replies to LORETO JR. that HUNTER gives HENRY pounds of meth for \$3,000. Agents have confirmed through multiple undercover purchases from HENRY that HENRY obtains crystal methamphetamine from HUNTER in Tucson, Arizona for \$3,000.00 per pound. Reference call session 1846, your Affiant believes that LORETO JR. was threatening HENRY that he better open his front security gate and let LORETO JR. into his house if LORETO JR. drives to his house with the product. If LORETO JR. drove from his house to HENRY's house and HENRY did not let him in, LORETO JR. threatened to take five gallons of truck fuel and set HENRY's vehicles on fire.

On July 12, 2018, reference call session 1992, LORETO JR. sent a text message to HENRY which read, "What's up bro couldn't make it yesterday bro had to much shit going on and my mom' in hospital icu again , hey so where do we stand right now i got taxed again i needed a transmission for Nissan. But somehow we got to this expensive as ugly truck 400 in blues a bunch of shrooms and the oos unit and he wanted a gun. Well fuck me i guess i been to lax and everyone wants to screw me that seems

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like a bad deal for that truck posi unit itself with gears 500 cheap, just getting tired of people trying to hurt me I'm broke. As it is, so if you back and you still need something let me know , i got pees for 3250 Blu or regular better than 35 at your door cod." Your Affiant believes that LORETO JR. is complaining to HENRY that he was ripped off in the trade deal between LORETO JR., HENRY, and EVICCI. LORETO JR. asked HENRY if HENRY was still interested in product and offered to sell HENRY, "pees" or pounds of crystal methamphetamine for \$3,250.00 cash on delivery at his door. LORETO JR. was highlighting the fact that HENRY would not have to drive to Tucson to pickup the methamphetamine because LORETO JR. would bring it straight to his door. Agents also believe that LORETO JR. has, "blue" crystal methamphetamine for sale as well as, "regular" crystal methamphetamine for sale.

On July 15, 2018, reference call session 2342, LORETO JR. sent a text message to HENRY which read, "Hope you doing good my mom's real sick in hospital and everything else i had guns white all going south i got a bunch of this shit just sitting there hit up later I'm tired." Agents believe that LORETO JR. was moving guns, "south" into Mexico and offered HENRY additional product for sale that LORETO JR had stashed.

On July 18, 2018, reference call session 2914, LORETO JR. sent HENRY a text message which read, "See you in morning gonna need some funds on and just got. Another grip of blues today." Agents believe that LORETO JR. was asking HENRY for cash and informed HENRY that he received an additional shipment of methamphetamine.

On July 21, 2018, reference call session 3724, LORETO JR. sent HENRY a text message which read, "I got some shit its fine and it's green bro but it's killer i have my grandkid when they leave to Douglas i can probably haul ass up but I'm waiting on some paper also won't be for like an hour or two bro don't Wana hold you up bro but i got what ever we need we need to get what we need from biker with these." Your Affiant believes that LORETO JR. was informing HENRY that he received a shipment of high quality marijuana and was offering it to sell to HENRY and possibly trade with HUNTER.

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On July 28, 2018, reference call session 5793, LORETO JR. sent HENRY a text message which read, "Hey I got busy bro need to know what's gunn ahappen im stockpiled to the gills and I need to do something prsl can throw are good but need to be cashed bro need to know what we gunn a do and I know that send here it's dead can't do shit around here." Your Affiant believes LORETO JR. was informing HENRY that he currently had a large amount of drugs and would be able to sell them at an affordable price but would not be able to, "front" any of the drugs and would need the cash on delivery.

On July 31, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the 30-Day extension for the interception of wire communications to and from phone number (520) 220-9360 (Target Telephone One or TT-1) used by HENRY.

On August 3, 2018, reference call session 7127, LORETO JR. sent HENRY a text message which read, "Hey I got these new blues bro fuck. They're hard core bro fucking insane they got me big time triple xxx bro." Your Affiant believes that LORETO JR. was informing HENRY that he obtained a new shipment of high-quality methamphetamine.

On August 3, 2018, reference call session 7136, HENRY sent LORETO JR. a text message which read, "Bring me that German German pistola." On the same date, reference call session 7138, LORETO JR. replied, "Which one the 08. I told you bro I got rid of all them bro that's why I got more Kennedy worth five 000." Your Affiant believes that HENRY was attempting to obtain a firearm from LORETO JR., but LORETO JR. told HENRY that he had already gotten rid of all of them.

On August 9, 2018, reference call session 8644, LORETO JR. sent HENRY a text message which read, "Got a shift in of blues too." Your Affiant believes that LORETO JR. was telling HENRY that he received a shipment of methamphetamine.

On August 16, 2018, reference call session 10685, LORETO JR. sent HENRY a text message which read, "My ladies there at mom's if you get that I can send her for it it's for baby anyways. and I got fuel

for days bro." Reference call session 1846, LORETO JR. has previously referred to methamphetamine as, "bluefuel". Therefore, your Affiant believes that LORETO JR. was informing HENRY that he had a large amount of methamphetamine.

On August 18, 2018, reference call session 11074, LORETO JR. sent HENRY a text message which read, "25 got a pair if you come my way I already crashed into my fence last night can't see at night bro sucks." Your Affiant believes that LORETO JR. was still attempting to sell two pounds of methamphetamine to HENRY but did not wish to drive to HENRY's house. On the same date, reference call session 11080, LORETO JR. sent HENRY a text message which read, "That s cool.sunheat suck to make me knod out well already got them girls set apart for you guna show you some love 25 each see how you. That me later tonitw." On the same date, reference call session 11222, LORETO JR. sent HENRY a text message which read, "Yeah thanks I got you 25 on these and there fire bro no one else." On the same date, reference call session 11224, HENRY sent LORETO JR. a text message which read, "I onley have1300 buck right now." Your Affiant believes HENRY was informing LORETO JR. that he was interested but did not have the cash to pay for the methamphetamine on delivery. On the same date, reference call session 11237, LORETO JR. sent HENRY a text message which read, "It's ok don't worry come on man when do I make shi t hard my biggest problem is getting a to point b that's it." Your Affiant believes that LORETO JR. was telling HENRY that he did not have to pay the full amount up front and that he did not have an issue giving HENRY the methamphetamine but he needed to find a way to bring it to him. On the same date, at approximately 6:44 p.m., reference call session 11255, LORETO JR. sent HENRY a text message which read, "Text you in a bit that's where I be taking suntran then limo can't be ususal." At approximately 6:45 p.m., reference call session 11257, HENRY replied, "Cool let me know bring me some blues." At approximately 6:45 p.m., reference call session 11259, LORETO JR. replied, "I have them." Your Affiant believe that LORETO JR. was informing HENRY that he was on his way to bring HENRY the methamphetamine but was having to take an alternate means of travel due to the fact that he cannot see well at night and to avert possible law enforcement surveillance efforts.

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Agents have continued monitoring 1919 South Barnett Road, Bisbee, AZ 85603 via a pole camera that was installed to monitor LORETO JR.'s residence on approximately September 25, 2018. Agents have observed LORETO JR. and LORETO JR.'s vehicles at the residence on a consistent basis to include nighttime sleeping hours during this time. On December 28, 2018, at approximately 4:44 p.m., agents observed, via the pole camera, LORETO JR. place a tire into the rear of his Toyota Tundra, bearing Arizona license plate BFD6584, and leave the residence.

Your Affiant knows, from prior training and experience in investigating drug crimes, that the aforementioned facts and circumstances show that LORETO JR. is actively engaged in the sale of methamphetamine, heroin, and marijuana. LORETO JR. was consistently offering methamphetamine, heroin, and marijuana to HENRY throughout the duration agents were receiving intercepted wire communications of TT-1 and indicated that he stockpiled large amounts of the drugs at his residence. Further, your Affiant knows that persons who engage in illegal sales or use of illegal drugs often possess firearms which are utilized to protect their drugs and proceeds from persons who wish to forcefully steal from the drug dealer.

Your Affiant believes there is just and probable cause that LORETO JR. possesses items of evidentiary value inside 1919 South Barnett Road, Bisbee, Arizona 85603, as listed above, that proves he is indeed engaged in the offering of sales of methamphetamine, heroin, marijuana, and misconduct of weapons. Your Affiant believes that LORETO JR. currently resides at 1919 South Barnett Road and that there will be additional information pertaining to LORETO JR., EVICCI, and HENRY's involvement in the Transnational Criminal Organization (TCO) inside the residence.

Due to LORETO JR.'s lengthy criminal history (Aggravated Assault on Law Enforcement Officer, Failure To Obey Law Enforcement Officer, Murder in the 1<sup>st</sup> Degree, Destroy/Alter Physical Evidence, Aggravated Assault, Resisting Arrest, Assault-Domestic Violence) combined intercepted digital images of firearms on LORETO JR.'s phone, your Affiant requests a daytime or nighttime "no knock warrant" entry and search in accordance with A.R.S. 13-3915 (B) be granted by the court for the safety

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of the Cochise County Sheriff's Office (CCSO) Special Weapons and Tactics (SWAT) Team who will be executing the daytime or nighttime "no knock warrant" for Jesus Ernesto LORETO JR., DOB 02/17/1975, 1919 South Barnett Road, Bisbee, Arizona 85603, and all buildings and vehicles found within the curtilage of the property. This request is further asked to be granted by your Affiant due to safety concerns for the CCSO SWAT Team regarding LORETO JR.'s easy access to a firearm and LORETO JR.'s extensive criminal history showing a propensity for violence against law enforcement.

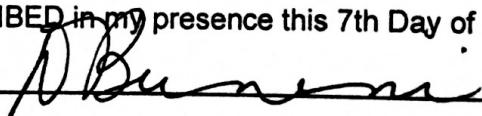
Your Affiant requests a search warrant be issued commanding a search be made of the persons, premises, buildings, and vehicles described herein for the property, persons and things herein described, and the same be retained in the custody of the Affiant or in the custody of the agency which the Affiant represents and disposed of according to law, pursuant to A.R.S. 13-3920.



Special Agent Cullen Conerly

Peace Officer for the State of Arizona

SWORN TO AND SUBSCRIBED in my presence this 7th Day of January, 2019



Honorable Judge Deborah Bernini

Pima County Superior Court